

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AASYLEI LOGGERVALE, AAOTTAE
LOGGERVALE, and AASYLEI
HARDGE-LOGGERVALE,

No. C 20-04679 WHA

Plaintiffs,

v.

**AMENDED SPECIAL VERDICT
FORM**

STEVEN HOLLAND, MONICA POPE,
and COUNTY OF ALAMEDA,

Defendants.

YOUR ANSWERS MUST BE UNANIMOUS.

1. Have plaintiffs proven by a preponderance of the evidence that Deputy Steven Holland violated any of plaintiffs' constitutional rights?

	Yes	No
Ms. Aasylei Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aaottae Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aasyeli Hardge-Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered "Yes" to any blank, then go on to Question 2. If you answered "No" to all blanks, then go to Question 5.

2. If you answered "Yes" to any part of the previous Question 1, state whether plaintiffs have proven by a preponderance of the evidence that any reasonable deputy in Deputy Holland's shoes, charged with knowledge known by deputies at the scene as you find it to have been at the time of the violation, would have known that he was violating that constitutional right. Answer only as to those blanks where you answered "Yes" in the prior Question.

	Yes	No
Ms. Aasylei Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aaottae Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aasyeli Hardge-Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have answered "Yes" on Questions 1 and 2 as to one or more plaintiffs, then you have found Deputy Holland, to that extent, liable under Section 1983 of Title 42 of the United States Code. Regardless, go to Question 3.

3. Have plaintiffs proven by a preponderance of the evidence that Alameda County ratified (and is therefore liable for) any alleged violation(s) by Deputy Holland as found in the response to Question 1?

	Yes	No
Ms. Aasylei Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aaottae Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aasyeli Hardge-Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered "Yes" to any plaintiff then, as to that plaintiff, you have found the County of Alameda liable for any section 1983 constitutional violations by Deputy Holland. Regardless, go to Question 4.

4. If you have answered "Yes" to any part of Question 1, state whether plaintiffs have proven by a preponderance of the evidence that Deputy Holland violated the Bane Act, California Civil Code Section 52.1, as to the following:

	Yes	No
Ms. Aasylei Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aaottae Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aasyeli Hardge-Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have answered "Yes" on Questions 1 and 4 as to one or more plaintiffs, then you have found Deputy Holland and the County of Alameda liable under the Bane Act. Regardless, go to Question 5.

5. Have plaintiffs proven by a preponderance of the evidence that any reasonable deputy standing in the shoes of Deputy Monica Pope and charged with knowledge known by deputies at the scene as you find it to have been at the time of the violation would have known that she was violating the constitutional rights of the following plaintiffs?

	Yes	No
Aaottae Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aasyeli Hardge-Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: The Court has already told you the searches for the identifications of the two passengers violated the Fourth Amendment. Deputy Pope did not search for Ms. Loggervale's identification. If you answered "Yes" to this question, then you have found Deputy Pope liable. Go to Question 5A.

5A. Have plaintiffs proven by a preponderance of the evidence that Alameda County ratified (and is therefore liable for) the constitutional violations committed by Deputy Pope?

	Yes	No
Aaottae Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aasyeli Hardge-Loggervale	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you answered "Yes" to question 5A as to any plaintiffs then as to that plaintiff you have found the County of Alameda liable for a Section 1983 constitutional violation by Deputy Pope. Go to question 6.

6. If you have found any defendant liable, what damages, if any, have plaintiffs proven by a preponderance of the evidence by reason of unlawful conduct?

Deputy Holland

Deputy Pope

Ms. Aasylei Loggervale

\$ 2,750,000.00 N.A.

Aaottae Loggervale

\$ 2,000,000.00 \$ 750,000.00

Aasyeli Hardge-Loggervale

\$ 2,000,000.00 \$ 750,000.00

Do not worry about a column for Alameda County. Fill in the blanks above, the judge will assess the amounts, if any, for which Alameda County is liable based upon your answers to 1, 3, 4, and 5A. Answer only as to any blanks for plaintiff-defendant combinations for which you found liability. Go to Question 7.

1
2
3 7. If you have found Deputy Holland liable, have plaintiffs proven by a preponderance of
4 the evidence that the conduct of Deputy Holland was malicious, oppressive, or in reckless
5 disregard of plaintiffs' constitutional rights such that punitive damages should be
6 awarded against him?

7
8 Yes _____

No ☒ _____

9
10 If you answered "Yes," we will take a brief recess and then resume proceedings before you so
11 that you can determine the amount of punitive damages.

12
13 Dated: March 1, 2023

14
15 Melinda C. Reitz
16 FOREPERSON